

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

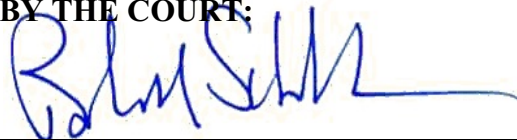
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|---------------------------------|---|---------------------|
| DON YELLOVICH, | : | |
| Plaintiff, | : | CIVIL ACTION |
| | : | |
| v. | : | |
| | : | |
| AHOLD USA d/b/a | : | |
| GIANT FOOD STORES, INC., | : | |
| Defendant. | : | No. 14-4665 |
| | : | |

ORDER

AND NOW, this **24th** day of **November, 2014**, on consideration of Defendant's Partial Motion to Dismiss (Document No. 4), and Plaintiff's response thereto, and for the reasons provided in this Court's Memorandum dated November 24, 2014, it is hereby **ORDERED** that:

1. The Court dismisses Counts II, III, and VI with prejudice.
2. The Court denies Defendant's motion to dismiss Counts IV and V.

BY THE COURT:



Berle M. Schiller, J.